

VILLAGE OF DUNCAN BOARD MEETING/PUBLIC HEARING

July 12<sup>th</sup>, 2021

7:00 PM – Village Hall 906 8<sup>th</sup> Street, Duncan, NE. 68634

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The monthly board meeting of the Village of Duncan Board of Trustees was called to order at 7:00 PM by Chairperson Jeff Oppliger. The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was held in the Village Hall. Board members present were Nick Wagoner, Steve Langton, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves, Marianna Evans and Michelle Schindel. Visitors present were: Jon Mooberry (JEO Consulting), Thaine & Peg Saunders, Tara Grafe, Cecil Cole, Crystal Cole, Terry Hamling, Charlene & Richard Stachura, Jim Taylor, Van Steyn, Yanet Steyn, Joe Runquist, Sarah & Michael Doernerman. The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from last month's meeting on June 14<sup>th</sup>, 2021 by Boruch, second---Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. Oppliger asked the audience if there were any non-agenda items that anyone wished to present to the board. No concerns were announced. Oppliger asked a second time if there were any non-agenda items that anyone would like to present to the board. He called, 'Going once, Going twice'. No one in the room voiced anything, so Oppliger then continued with the scheduled agenda.

**Old Business: Proposed Platted Alley Vacate at Main Ave. between 9<sup>th</sup> & 10<sup>th</sup> Streets** Oppliger stated that this was discussed and voted on at the last meeting. Evans reported that there was an issue with the alley between other property owners, not involved in the new subdivision. Evans stated that in order for the Village to vacate the entire alley, including the alley abutting three current property owners, the Village should have given notice to those property owners and invited them to the meeting to speak. She stated there are 3 property owners that this alley abuts besides Lloyd property. She stated that according to ordinance, they must be notified and given a chance to voice their opinions. Evans read *Ordinance 92.68 Opening, Widening, Improving, or Vacating*. She reported that there is a process to vacate this alley and it was not followed in the prior meeting. She stated that notice must be given, a waiver preferably signed by the affected property owners and then an ordinance be made to vacate the alley if that is what the board approves. She stated that Zwingman (Lloyd Subdivision Engineer and Representative) had stated in the previous meeting that he was only interested in vacating the alley within the subdivision to gain the square footage they need for the lots. She stated that he was not asking to vacate the entire alley. Evans stated that it was brought up in the last meeting from Reves, that he was advised from Jeff Ray (JEO) that it is not good planning to have a partial alley. Oppliger postponed the alley vacate to the next meeting to allow notice to the abutting property owners and follow the ordinance to vacate the alley. Evans stated she would send notice to the three property owners and invite them to the next meeting.

**New Business: Proposed Engineer Services Agreement (Street Project)** Mooberry presented to the microphone and explained the agreement for JEO services during the construction phase of the project. He explained the fees and reported that the Village will not be charged for times they are not present. It was asked what the previous agreement was for. Mooberry stated that the initial service agreement with JEO was for the design and bid process. This agreement would be specifically for the observing of the construction phase. *A motion to approve the Service Agreement with JEO was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Proposed Material Testing (Street Project)** Mooberry explained that this agreement was for testing of the asphalt during the construction as well as core testing afterwards. He explained the testing process to the board. Exhibit A showed a total cost of engineer services and testing as \$5,316. No further questions or concerns. *A motion to approve the Material Testing Agreement was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Proposed Engineer Services Agreement (Mapping Update)** Oppliger read the letter from JEO aloud, about mapping the water system. Reves presented to the microphone and explained the mapping update and that it would allow for the Village to know exactly, where all the curbstops are. He stated there is an app that he would use that would show him exactly where everything is in our water system. He reported that would make it a lot easier for future projects, maintenance or repairs needed. He stated that right now he has lines painted on the curbs so that he knows where they are. However, in the winter, it is difficult to see those lines when there is snow on the ground covering them up. He stated that the total cost of the project would be \$11,250. He reported that there is a grant that we could get worth \$10,000. So, the Village would only have to pay \$1,250 for this project. He stated that this would also update our maps. He stated that any future projects on the water system would automatically be uploaded into the map as well. That way our maps and water mapping would stay updated. He reported that JEO would be applying for the grant on behalf of the Village. He stated that Terry Meier and Mike Schultes are the JEO reps that are helping with this. Reves reported that there will be a monthly fee for having the service as cell phone data charges. *A motion to approve the Mapping update engineering services agreement was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Proposed use of Old Village Speaker** Thaine Saunders presented to the microphone and stated that the speaker\siren was from an old, Duncan, cop car. He stated that he had provided the ballfield his old microphone and amp and retrieved the speaker from the Village shop and tested it etc. He requested the board approve the use of it at the ballfield. *A motion to approve use of the speaker at the ballfield was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Proposed Speedbump on 8<sup>th</sup> Street in front of the West Park** Thaine Saunders requested a speedbump be placed in front of the west park on 8<sup>th</sup> street. He stated there's no dip and a lot of kids down there. He reported that people are driving very fast on that street in front of the park. He stated that there are plastic/rubber speedbumps that are bolted into the street and can be unbolted and removed for winter. Reves reported there is a dip a half of a block ahead of the requested speedbump area. He stated that if we put a speedbump there, we would have to put speedbumps all over town as people are driving fast all over. He reported that the estimated cost of doing that would be \$10,000. Oppliger stated that they cannot approve an expense like that at this meeting. Evans asked if anyone had ever called the Sheriff department on these drivers. No one answered yes. One person stated that they don't know who the drivers are. Evans

stated that they should be getting license plate numbers and car descriptions and calling them into the Sheriff department. Oppliger agreed and stated that people need accountability. Audience members stated there is not even a speed limit sign down there. Evans reported that residential areas are 25mph per statewide law, unless otherwise posted. It was suggested to post a speed limit sign there. Reves reported that we posted a speed limit sign on the north end of town as requested by a resident, and it did not help with anything. Thaine Saunders reported that a speedbump in that spot was actually approved in the '90's but doesn't know why it was never installed. Oppliger stated that this subject should be postponed to the next meeting so that the people can bring other options and solutions to this problem. Evans asked the audience if they knew of any other smaller towns that have speedbumps in town, so that they could communicate with them and get their advice and experience with them. No one reported any other town that they knew of with speedbumps in town. Oppliger stated that this subject will be postponed to the next meeting and will expect residents to bring back a few more options for solutions.

*Non-agenda* - Thaine Saunders then took the opportunity to voice his concern over a previous meeting motion that failed. Oppliger stated that it was not on this agenda and the board is not allowed to discuss non-agenda items. Oppliger then stated that he gave the audience members a chance at the beginning of the meeting to bring any concerns forward to the board that were not on the agenda. He stated that no one came forward or voiced anything when given that chance. Thaine Saunders stated that it was removed from the agenda. Evans reported that it was dealt with at a few previous meetings and it was agreed by the majority of the board not to move forward with it. In that case, unless there are new circumstances or something has changed, the subject was considered dealt with by the Village. Thaine Saunders and audience members began talking at the same time, yelling out and arguing. Oppliger stated again, that the board cannot discuss non-agenda matters and stated that the matter was finished and that he is not going to allow any further discussion on this subject. Residents began yelling and leaving the meeting. Oppliger awaited silence and then moved on with the agenda.

**Proposed SDL (Special Designated License) for 150<sup>th</sup> Celebration** Oppliger read the letter requesting the approval of the 150<sup>th</sup> committee to apply for a SDL for the weekend of the 150<sup>th</sup> celebration. The dates are August 28<sup>th</sup>, 2021, 8am-1am and August 29<sup>th</sup>, 2021, from 9am-9pm. *A motion to approve the SDL application for the 150<sup>th</sup> was made by Boruch, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Designation of Payer During 150<sup>th</sup> Celebration** Evans reported that Gary Schlesinger had brought to her attention that there are expenses for the 150<sup>th</sup> celebration where the vendors will want paid as soon as they are finished, like the bands. Dahlberg agreed and stated that is how it works for Ribfest as well. Evans stated that Schlesinger reported that someone needed to hold the payments for those vendors and pay them directly after their services. Evans suggested Schlesinger be the 'payer' and reported that he had agreed to accept that responsibility. Evans stated that there would be limited checks that would be fully documented and made out to that specific vendor for a pre-approved amount. She stated that those checks could then be given to Schlesinger prior to the event, to hold and pay the vendor directly after their services. These expenses would all be fixed and approved prior to the event. The board discussed briefly and agreed that there needs to be someone to appoint for this. *A motion to approve Gary Schlesinger as the 150<sup>th</sup> Payer during the celebration was made by Langton, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Proposed Use of ARP Fiscal Recovery Funds** Evans reminded the board that she had been forwarding emails to them from the League of Municipalities and others on this information. She stated that there are lots of ways this money can be spent and that the board will be deciding how it will be spent. She stated that Reves had brought the idea forward to use the funds to move toward our plan of looping the water system. He stated that he is having John Henry come out to give us quotes on all the areas that would need looped, the new line down Bumpy Rd, and new section of line in front of the church. Evans reported that she had applied for the fund by the date specified by the National Treasury. She stated that we will have to do interim reports and keep track of everything to do with this money. She stated that the board may want to think of some other options for the funds as well. Oppliger asked if we had anyone helping us with this process. Evans stated that it is new for all and that she has been following guidance from the League as well as the National Treasury itself. She stated that JEO Viv Novotny and Terry Meier were supposed to contact her in regards to the funding but she had yet to hear from them. Oppliger stated that he would feel more comfortable with JEO helping us with this process. He postponed the ARP funding use to the next meeting in order to contact JEO and get their help. Evans stated she would reach out to Viv with JEO.

**Proposed Separate Village Advertising Account** Evans reported that Gary Schlesinger was requesting this agenda item. Reves reported that Gary had said there are a lot of grants out there for advertising and if you have a separate account for that, you can get the grants. Evans reported that we could use this fund for advertising the entire town. Whether it is an event like Ribfest or if it is just part of town like Tasty Toppings, CVA, etc. She stated that it would be good to bring people to Duncan and for growth. The board discussed and agreed it would be a good idea. *A motion to open a separate account for advertising with \$1,000 was made by Wagoner, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Community Survey Results—Board Goals** Evans reported that she only received 3 surveys back so far. She read over the suggestions on the surveys. Oppliger went through each complaint/suggestion individually. The broken down vehicles off the road has been dealt with. Reves reported that after we sent the letters out, most of them obliged. He stated there is one that is still working on it. The board agreed that there should be a final notice to that person or they will be fined. Oppliger asked if there was any problem with permanent trailers/campers parked on the street. Reves stated there are some that are parked for 6 months-1 year at a time. Oppliger stated that 4-wheelers without flags seems only to be occasional. He stated that when he sees one, he tends to stop and politely talk to them and remind them that the law requires a flag. Reves stated that the Sheriff dept. has actually been out here and stopping kids driving 4-wheelers. Oppliger stated the burning in yards was listed. Reves stated that there was a new resident that had done that but that Dahlberg spoke with them and explained that they could not burn trash. Dahlberg stated that fire pits are ok but what they burn in the pit is different. They cannot burn leaves, trash, debris etc. Another complaint was 'trash in front yard'. Reves explained that we have been dealing with one certain address that is vacant right now. Evans reported that she had sent a letter to the owner and spoke with him but that it had not improved. So, she just sent a certified letter

to the owner today to give him a week and then the Village would clean it up and that he would be responsible for the bill. Another complaint was ‘fix potholes’. Oppliger stated that is taken care of with the brand, new asphalt. Another suggestion was to ‘blacktop commercial drive-ways’. Reves reported that he was not aware of any that are in need of that. Another suggestion was for ‘splashpad’. Evans explained that Reves and she had previously researched that and she spoke with a person who helped towns create them. She stated it stalled due to the fact that we do not have a storm sewer, which would mean we would have to recirculate the water and treat it. Reves reported that it would be the same maintenance as if it were a swimming pool. He stated that it would be a lot more cost and maintenance than previously thought. Another suggestion was ‘bicycle/walking trail’. Oppliger stated that he felt that would be beneficial and would like to see one out to Duncan Lakes. He stated there is grant money out there for this kind of thing and wondered if we should have JEO help us with this. Reves also suggested a trail out past CVA where people already are walking. He stated that now, it is sometimes difficult to see the walkers, depending on the sun placement, while driving and makes it dangerous.

**Board Goals** 1.) Walking Trail 2.) Pave Dahlberg Addition 3.) Check into Skating Rink 4.) Water Line Looping. Reves stated he will break down the plan into sections for cost but will see what the total would be as well. He stated there should be grants out there to help us with the project if we do it all at once. He stated that there are not grants for smaller projects and only offered on the larger projects. Reves reported that if the entire project cost \$500k, a grant would allow us to only have to pay 25% (\$125k).

**Non-Agenda** - Van Steyn presented to the microphone and stated his name. He began to complain about the storage lights again. Oppliger explained again, that it is not on the agenda and cannot be discussed at this meeting. Steyn continued to speak about the lights. Oppliger then explained that the storage lights complaint was on previous agenda and no one showed up except for the owner of the storage facility. He explained that everyone had an opportunity to speak at the beginning of this meeting as well, about non-agenda items, and no one chose to. He explained further that he is not trying to dismiss his concerns, however, there is a procedure and meetings need structure. And procedure states that non-agenda items are not to be discussed or voted on by the board. He stated that the subject had been discussed previously and chosen not to move forward with fighting it. Oppliger stated that the Village attempted to work with the storage facility owner and if there is nothing that the owner will do, then we have to move on. Steyn reported that residents are upset and he wished he had been at the prior meetings. Oppliger stated he appreciated people coming to the meeting but would like the reason to be to help improve Duncan and not always to complain. Steyn stated his understanding and sat back down. *Oppliger continued* with the board goals. Langton stated that the Village should continue to send letters for clean up and fines if needed. Reves added that if we even send one fine, it will get around and others will comply without having to send another fine. Langton agreed and stated that he doesn’t like to have to fine but if we let it go, no one will do anything. Speedbumps were brought up again and Boruch asked if it was just during a certain time of day that the speeder drives through. Mrs. Doernerman stated that she didn’t know. Oppliger stated that we need to find several options for a solution.

**Departmental Reports:**

**Utilities** Dahlberg stated there is a big chunk of concrete missing over near his house where the wash stations were for Ribfest. He stated that people were tripping over it. Reves reported that there several areas like that and added he may talk to Boruch Masonry while they are working on the ramps/manholes to see if he could repair them. Oppliger stated that 5<sup>th</sup> street is smooth and he is happy with it. He asked Reves if there was anything that could be added to the top to lock it in. Reves stated that he was not happy with the welding slag and will never use it again. He stated that he would prefer crushed concrete in the future. He stated the slag seemed to be dusty and turned to washboard quickly. He doesn’t believe the slag holds well although there are people who drive too fast on that road as well.

**Parks & Rec.** Oppliger stated that baseball is now finished for the year. He stated that the baseball program brought a lot of people to town. Dahlberg stated that the pop/water stand at Ribfest brought approximately \$2,300 profit. He reported that the kiosk sign for the park is supposed to ship this Wednesday.

**150<sup>th</sup> Committee Report** Oppliger reported their next meeting is July 26<sup>th</sup>. He stated the last time they got together was to stuff envelopes. He reported the social media blitz is going on now. He reported the sign is out near the highway. He reported the event fliers are on the website and in the Village window. He stated they are currently selling rifle raffle tickets. After some discussion on the ticket sales, Oppliger stated that he would get ticket books to anyone who wanted to sell them. He reported the cost of a ticket is \$10.

**Planning & Zoning** No report

**Clerk Report** No report

**Treasurer Report & Updates—Approval of Bills** Schindel presented a copy of the monthly recap to each board member and presented to the microphone. She reported on the receipts and payments. She stated that she had revised last month’s monthly recap and went over the changes with the board. The board asked her to clarify a few costs and then approved of the revision. *A motion to approve the bills as revised for May was made by: Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion to approve the bills as recorded for June was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

All meetings are open to the public and a current agenda for said meetings will be posted and available for public inspection at the office of the Village Clerk, Post Office, AJ’s C-Store and the Village website on the Thursday prior to the meeting. The next monthly meeting will be on **Monday, August 9, 2021 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 8:28p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)